

Appl. No. 09/818,247  
Amdt. dated August 20, 2004  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 1644

PATENT

### REMARKS/ARGUMENTS

#### **I. Status of the Claims**

Claims 1-4, 6, 7, 10-13, and 15 are pending. Claims 5, 8, 9, 14, 21, 22, 25, 37, 38, 40, 49, 52, 71, 72, 74, 85, 86 and 88 have been canceled. Claims 16-20, 23, 24-36, 39, 41-48, 50, 51, 53-70, 73, 75-84, 87, and 89-93 are withdrawn as drawn to a non-elected invention.

#### **II. The Amendments**

The amendments herein present no new matter.

Claim 1 has been amended to remove the reference to peptide ligands. The claim now recites antibodies. The provisos in the claim have been removed and replaced with two elements which (as the provisos were intended to do) define the "B region" of pIgR. The language of element (a) is largely taken from the specification at page 17, lines 15-16, as helpfully suggested by the Examiner, and that of element (b) tracks that of page 12, line 33 to page 13, line 1.

Claim 5 has been canceled as redundant, and claims 2-4, 6, 7, and 10 have been amended to correct their antecedence in view of the amendment of claim 1.

Claim 11 has been amended to refer to an "immunoconjugate" rather than to a "ligand" to improve its antecedence. The term "biologically active component" has been amended to "effector moiety," to reflect the definition of "effector moiety" at page 20, lines 12-15 as the portion of an immunoconjugate intended to have an effect on a cell or to identify the presence of the immunoconjugate. Claims 12, 14, and 15 has been amended to reflect these changes to claim 11. The change of the term "biologically active component" to "effector moiety" is not intended to narrow the scope of coverage, is not required for a reason related to patentability, and is not intended to affect the scope of equivalents that may be available under the doctrine of equivalents.

Claim 15 has been amended to recite "therapeutic agent" rather than "small molecule," as requested by the Examiner. A definition for "therapeutic agent" is found in the

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specification at page 20, lines 1-7. The term "therapeutic agent" encompasses and is broader than the term "small molecule" and the substitution of terms is not intended to affect the scope of equivalents that may be available under the doctrine of equivalents.

### **III. The Telephone Interview and Changes Made in Response Thereto**

Applicants note their appreciation to Examiner Belyavskyi and Supervisory Examiner Chan for the telephone interview held July 27, 2004. Applicants believe the interview was very helpful in resolving issues impeding prosecution of the application. The amendments herein are intended to address the matters discussed during the interview and to place the claims under examination in condition for allowance.

#### **A. Recitation of Antibody**

The Examiners indicated that claims in which the ligands were antibodies would be acceptable. To expedite prosecution, claims 2-4, 6, 7, and 10 have been amended to recite antibodies.

#### **B. Recitation of Immunoconjugate**

The Examiners requested that claim 11 be amended to recite an immunoconjugate to better reflect that the claim recites the combination of an antibody and a biologically active component. In keeping with the amendment of the claim to recite an immunoconjugate, the claim has also been amended to recite "effector moiety", which is defined at page 20, lines 12-15 as the portion of an immunoconjugate intended to have an effect on a cell or to identify the presence of the immunoconjugate. The amendment therefore is directly supported by the language of the specification.

Claims 12, 13, and 15 are dependent on claim 11 and have had corresponding changes to coordinate their language with that of claim 11 as amended.

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### C. Recitation of Small Molecule

The Examiners asked that the recitation of "small molecule" in claim 15 be changed to "therapeutic agent", a term defined at page 20, lines 1-7. Since small molecules are only one of the kinds of therapeutic agents contemplated at page 20, Applicants' representative agreed to the change.

### IV. Remaining Matters

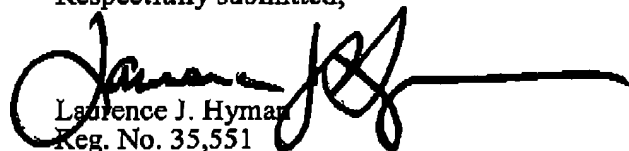
Applicants anticipate that the amendments herein will place the claims in condition for allowance. If, however, there are any remaining wording concerns or the like, Applicants request that the Examiner call the undersigned to see if they can be quickly addressed.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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